

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

NANETTE STONE,)	CIVIL NO. 18-00089 HG-KSC
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF PHILADELPHIA, Judge)	
Nina Wright Padilla, Judge)	
Margaret Murphy; CITY OF)	
PHILADELPHIA PROBATE COURT,)	
Ronald Donatucci, Register of)	
Wills, Staff and Associates;)	
CITY OF PHILADELPHIA CITY)	
COUNCIL, City Council)	
President, Darryl Clark and)	
Council Members; CITY OF)	
PHILADELPHIA DEPARTMENT OF)	
HUMAN SERVICES, Commissioner)	
of DHS; CITY OF PHILADELPHIA)	
MAYOR'S OFFICE, Former Mayor)	
John F. Street; CITY OF)	
PHILADELPHIA OFFICE OF MENTAL)	
HEALTH & INTELLECTUAL)	
DEVELOPMENT DISABILITY)	
SERVICES, Leadership Board,)	
Staff and Associates; CITY OF)	
PHILADELPHIA POLICE)	
DEPARTMENT, Police)	
Commissioner Ross; CITY OF)	
PHILADELPHIA FIRE DEPARTMENT)	
AND EMS SERVICES, Fire)	
Departments and)	
Commissioners; CITY OF)	
PHILADELPHIA DISTRICT)	
ATTORNEY'S OFFICE, District)	
Attorneys and Former District)	
Attorney Seth Williams; CITY)	
OF PHILADELPHIA LAW)	
DEPARTMENT, Law Dept.)	
Leadership Vernette Dow; CITY)	
OF PHILADELPHIA CLERKS)	
OFFICE,)	
)	
Defendants.)	
)	

ORDER ADOPTING MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION TO DISMISS THE COMPLAINT AND DENY THE
APPLICATION TO PROCEED IN FORMA PAUPERIS AS MODIFIED (ECF No. 8)

Findings and Recommendation having been filed and served on all parties on March 16, 2018, and no objections having been filed by any party,

IT IS HEREBY ORDERED AND ADJUDGED that, pursuant to Title 28, United States Code, Section 636(b)(1)(C) and Local Rule 74.2, the "Findings and Recommendation to Dismiss the Complaint and Deny the Application to Proceed In Forma Pauperis" (ECF No. 8) are adopted as the opinion and order of this Court with the following modifications:

On Page 1, in the Caption, replace:

CITY OF PHILADELPHIA'S MAYOR'S OFFICE

with:

CITY OF PHILADELPHIA MAYOR'S OFFICE

On Page 3, Lines 12-17, replace:

Specifically, "pro se plaintiffs proceeding in forma pauperis must also be given an opportunity to amend their complaint unless it is 'absolutely clear that the deficiencies of the complaint could not be cured by amendment.'" Tripati, 821 F.2d 1370 (quoting Franklin v. Murphy, 745 F.2d 1221, 1228 n.9 (9th Cir. 1984)).

with:

Pro se plaintiffs proceeding in forma pauperis must be given an opportunity to amend their complaint unless it is absolutely clear that no amendment will cure the complaint's deficiencies. Tripati, 821 F.2d 1370 (quoting Franklin v. Murphy, 745 F.2d 1221, 1228 n.9 (9th Cir. 1984)).

On Page 3, Line 18, remove "even"

On Page 5, Line 21, and Page 6, Lines 1-2, replace:

should do so **within 30 days** of the date the district judge enters an order regarding this Findings and Recommendation, unless otherwise ordered

with:

must file it by **Wednesday, May 16, 2018.**

On Page 6, Lines 7-8, replace:

Loux v. Rhay, 375 F.2d 55, 57 (9th Cir. 1967)

with:

Ramirez v. County of San Bernardino, 806 F.3d 1002, 1008 (9th Cir. 2015)

On Page 6, Line 9, replace:

the Complaint

with:

the preceding Complaint

On Page 6, Line 17, replace:

Ala.

with:

Alaska

On Page 7, Line 2, replace:

821

with:

824

On Page 7, Lines 13-14, replace:

30 days after the district judge takes action
on this Findings and Recommendation

with:

Wednesday, May 16, 2018

On Page 7, Lines 21-22, replace:

the date on which her amended pleading is due

with:

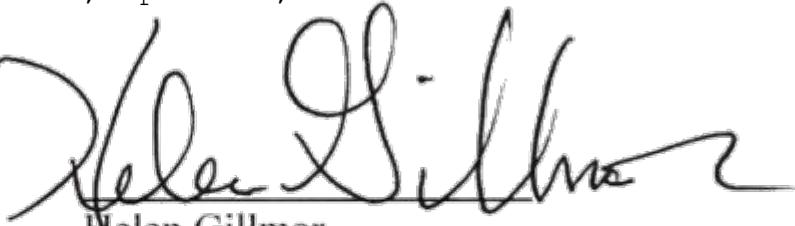
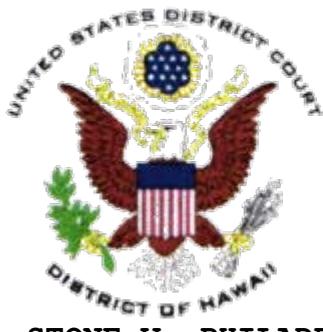
Wednesday, May 16, 2018

The Court specifies that the Plaintiff has leave to file her amended complaint by no later than **Wednesday, May 16, 2018**, to address the deficiencies outlined in the Findings and Recommendation (ECF No. 8).

Further, if Plaintiff files an Amended Complaint, Plaintiff must also pay the filing fee or file an In Forma Pauperis application no later than **Wednesday, May 16, 2018**.

IT IS SO ORDERED.

DATED HONOLULU, HAWAII, April 13, 2018



Helen Gillmor
United States District Judge

A handwritten signature of Helen Gillmor in black ink. Below the signature, the name "Helen Gillmor" is printed in a smaller, sans-serif font, followed by "United States District Judge" in a slightly larger font.

**STONE V. PHILADELPHIA, ET AL., CIVIL NO. 18-00 089 HG-KSC; ORDER
ADOPTING MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATION TO
DISMISS THE COMPLAINT AND DENY THE APPLICATION TO PROCEED IN
FORMA PAUPERIS AS MODIFIED (ECF No. 8)**